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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,675	01/15/2002	Stuart C. McClure	FNDSTN.013A	5097
28875	7590	09/27/2006	EXAMINER	
Zilka-Kotab, PC P.O. BOX 721120 SAN JOSE, CA 95172-1120			SALL, EL HADJI MALICK	
			ART UNIT	PAPER NUMBER
			2157	
DATE MAILED: 09/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

10/050,675

Examiner

El Hadji M. Sall

Applicant(s)

MCCLURE ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/17/06.
2. ☒ The allowed claim(s) is/are 1-12,22-26 and 52-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 05/16/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

  
ARIQ ETIENNE

SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

### DETAILED ACTION

1. This action is responsive to the correspondence filed April 17, 2006. Claims 13-21 and 55-56 are cancelled. Claims 1-12, 22-26 and 52-54 represent system and method for network vulnerability detection and reporting.

### EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin Zilka on July 7, 2006.

The application has been amended. Claims 1 and 22 are amended. Claims 13-21 and 55-56 are cancelled.

On claims 1 and 22, delete "RFC-compliant" on lines 21 and 26, respectively.

On claim 1, insert "**embodied in a computer readable storage medium, said instructions**" between "instructions" and "executable" on lines 16.

***Allowable Subject Matter***

3. Claims 1-12, 22-26 and 52-54 are allowed.
4. Pursuant to 37 C.F.R. 1.109 and M.P.E.P. 1302.14, the following is an Examiner's Statement of Reasons for Allowance:

The prior art of record fails to teach or suggest individually or in combination the claimed limitations of "fingerprint comparison instructions **embodied in a computer readable storage medium, said instructions** executable by a computer to compare said first operating system fingerprint and said first target computer fingerprint, to compare said second operating system fingerprint and said second target computer fingerprint, and to generate a result indicative of whether said first operating system was running on said target computer, and/or generating a third response value representing at least a portion of data received via said network in response to said sending of said third data packet; comparing said first response value to a first predetermined value associated with a first operating system; comparing said second response value to a second predetermined value associated with said first operating system; comparing said third response value to a third predetermined value associated with said first operating system; and generating a value indicative of a relationship between said first operating system and said target computer." as in claims 1 and 22.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


### Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji Sall whose telephone number is (571)272-4010. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-4010.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

El Hadji Sall  
Patent Examiner  
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ARIO ETIENNE  
SUPERVISORY PATENT EXAMINER  
EBC CENTER 2100

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